

KANSAS STATE BOARD OF EDUCATION

Notice of Public Hearing on Proposed Administrative Regulation

September 26, 2013

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, December 10, 2013, in the Board Room of the Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas, to consider the adoption of a proposed rule and regulation of the Kansas State Board of Education on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Secretary of the Kansas State Board of Education at the below addresses or by email to plhill@ksde.org. The address for the Kansas State Board of Education before October 28, 2013, is 120 SE 10th Avenue, Topeka, Kansas 66612. After October 28, 2013, the address for the Kansas State Board of Education is Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. The hearing shall be conducted in compliance with the public hearing procedures of the Kansas State Board of Education.

Any individual with a disability may request an accommodation in order to participate in the public hearing, and may request the proposed regulation and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Karen Watney at (785) 296-3906 (or TDD 785-296-8172) or by e-mail to kwatney@ksde.org. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed regulation and its economic impact follows.

A copy of the proposed regulation and its economic impact statement may be obtained by contacting the Office of General Counsel at the address above prior to the date of the hearing or by email to ogc@ksde.org.

K.A.R. 91-31-32(c)(9)(J)

This regulation governs history and government curriculum for grades kindergarten through eight in all Kansas public schools. The amendment establishes Celebrate Freedom Week and related curriculum concerning the original intent, meaning and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights of the United States Constitution, in their historical contexts. Adoption of this amendment will have no economic impact on other

governmental agencies, private businesses or individuals. Adoption of this regulation will have minimal economic impact on school districts, if any, because it is anticipated that school districts will transition the regulatory requirements into current curriculum.

91-31-32. Performance and quality criteria. (a) Each school shall be assigned its accreditation status based upon the extent to which the school has met the performance and quality criteria established by the state board in this regulation.

(b) The performance criteria shall be as follows:

(1) Except as provided in subsection (d) ~~of this regulation~~, having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;

(2) having 95% or more of all students and 95% or more of each student subgroup take the state assessments;

(3) having an attendance rate equal to or greater than that prescribed by the state board; and

(4) for high schools, having a graduation rate equal to or greater than that prescribed by the state board.

(c) The quality criteria shall consist of the following quality measures, which shall be required to be in place at each school:

(1) A school improvement plan that includes a results-based staff development plan;

(2) an external technical assistance team;

(3) locally determined assessments that are aligned with the state standards;

(4) formal training for teachers regarding the state assessments and curriculum standards;

(5) 100% of the teachers assigned to teach in those areas assessed by the state or described as core academic subjects by the United States department of education, and 95% or more of all other faculty, fully certified for the positions they hold;

(6) policies that meet the requirements of S.B.R. 91-31-34;

(7) local graduation requirements that include at least those requirements imposed by the state board;

(8) curricula that allow each student to meet the regent's qualified admissions requirements and the state scholarship program;

(9) programs and services to support student learning and growth at both the elementary and secondary levels, including the following:

(A) Computer literacy;

(B) counseling services;

(C) fine arts;

(D) language arts;

(E) library services;

(F) mathematics;

(G) physical education, which shall include instruction in health and human sexuality;

(H) science;

(I) services for students with special learning needs; and

(J) history, government, and celebrate freedom week. Each local board of education shall include the following in its history and government curriculum;

(i) Within one of the grades seven through 12, a course of instruction in Kansas history and government. The course of instruction shall be offered for at least nine consecutive weeks. The local board of education shall waive this requirement for any student who transfers into the district at a grade level above that in which the course is taught; and

(ii) for grades kindergarten through eight, instruction concerning the original intent, meaning, and importance of the declaration of independence and the United States constitution, including the bill of rights, in their historical contexts, pursuant to L. 2013, ch. 121, sec. 1 and amendments thereto. The study of the declaration of independence shall include the study of the relationship of the ideas expressed in that document to subsequent American history;

(10) programs and services to support student learning and growth at the secondary level, including the following:

- (A) Business;
- (B) family and consumer science;
- (C) foreign language; and
- (D) industrial and technical education; and

(11) local policies ensuring compliance with other accreditation regulations and state education laws.

(d) If the grade configuration of a school does not include any of the grades included in the state assessment program, the school shall use an assessment that is aligned with the state standards.

~~This regulation shall be effective on and after July 1, 2005.~~ (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and L. 2013, ch. 121, sec. 2; effective July 1, 2005; amended P-_____.)

**KANSAS STATE BOARD OF EDUCATION
ECONOMIC IMPACT STATEMENT
K.A.R. 91-31-32(c)(9)(J)**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 91-31-32(c)(9)(J) is an amended regulation that governs history and government curriculum for grades kindergarten through eight in all Kansas public schools. The purpose of the regulation is to establish Celebrate Freedom Week and related curriculum concerning the original intent, meaning and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights of the United States Constitution, in their historical contexts.

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

The proposed regulation is required by Kansas House Bill No. 2261 (2013) (2013 Kan. Sess. Laws 943) establishing Celebrate Freedom Week and related curriculum. The regulation is not mandated by federal law.

III. Anticipated Economic Impact upon the Kansas State Board of Education.

There is no anticipated economic impact to the Kansas State Board of Education.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Board does not anticipate economic impact on other governmental agencies, or on private businesses or individuals.

V. Anticipated Economic Impact upon School Districts, Following Consultation with the Kansas Association of School Boards.

Adoption of this regulation is anticipated to have a minimal economic impact upon school districts, if any. Implementation of the regulatory requirements allows for customization of Celebrate Freedom Week and its associated programs by local school districts. The regulation is anticipated to be transitioned into the curriculum the school districts are currently doing with no additional economic impact.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Board developed a regulation that will have a minimal economic impact so no other methods were considered. By adopting a regulation that leaves implementation decisions to schools, the Board developed the least intrusive and least costly method of implementation.